

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

REQUEST FOR RELAXATION OF THE COASTAL ZONE MANAGEMENT, N.J.A.C. 7:7E STANDARDS

CHECKLIST FOR ADMINISTRATIVE COMPLETENESS

(10/00)

These are the submission requirements for an administratively complete request for the relaxation of the Coastal Zone Management rules, N.J.A.C. 7:7E standards. Please read each section and check each area after you have fully completed or compiled the information for each applicable requirement. Visit our website at www.state.nj.us/dep/landuse for additional help and information.

1. Development plans showing the project that is proposed in order to provide a minimum beneficial use;
2. Document(s) showing when the property as a whole was acquired and the purchase price of the property as a whole and the amount and nature of any other expenditures made to maintain and/or develop the property as a whole. For the purposes of N.J.A.C. 7:7-1.10, "property as a whole" is all property that was assembled as one investment or to further one development plan, and may include more than one municipal tax lot;
3. The language of a proposed conservation restriction that meets the requirements of N.J.A.C. 7:7-1.10(c)7;
4. White certified mailing receipts or other written receipt as evidence that the property has been offered for sale at a fair market value, through a letter provided by the Department (see Attachment "A") have been forwarded to the following parties:
 - a) All property owners within 200 feet of the subject property; and
 - b) The land conservancies, environmental organizations and governmental agencies on the list attached as Attachment "A";

Attachment "B" contains the offering letter to be used if the request to relax the standards of the Coastal Zone Management rules is submitted after the proposed development has been denied. Attachment "C" contains the offering letter to be used when the request to relax the standards of the Coastal Zone Management rules is submitted with an application or while an application is pending.

5. Document(s) and a detailed narrative demonstrating compliance with N.J.A.C. 7:7-1.10(c).

ATTACHMENT "A"

LIST OF LAND CONSERVANCIES, ENVIRONMENTAL ORGANIZATIONS AND GOVERNMENTAL AGENCIES TO BE CONTACTED WITH OFFERS OF LAND FOR SALE

The following organizations purchase land. To determine whether or not these agencies are interested in purchase of the subject land, the letter (see Attachment "B" or "C") must be accompanied by the following information:

- A. USGS map with property indicated
- B. Tax Map
- C. Block and lot numbers
- D. Municipality and County
- E. Appraised value of property and/or asking price

- 1. New Jersey Conservation Foundation
Bamboo Brook
170 Longview Road
Far Hills, New Jersey 07931
- 2. Green Acres
CN 412
501 East State Street
Trenton, New Jersey 08625
- 3. The Trust for Public Land
55 Maple Avenue
Morristown, New Jersey 07960
- 4. The Nature Conservancy
200 Pottersville Road
Chester, New Jersey 07930
- 5. County governing body
- 6. County Park System
- 7. Municipal governing body
- 8. Municipal Environmental Commission
- 9. Municipal Park System (if one exists)

ATTACHMENT "B"

(10/00)

Offering Letter to Property Owners within 200 feet, Land Conservancies, Environmental Organizations and Governmental Agencies when the request to relax the standards of the Coastal Zone Management rules is submitted after the proposed development has been denied

RE: Permit Application # _____

Applicant: _____
address

CERTIFIED

Block: Lots:
Municipality, County

Dear Sir or Madam:

As you may be aware, on *(date)*, *(applicant)* applied to the New Jersey Department of Environmental Protection (NJDEP), for construction of *(describe project)* at the above property, pursuant to the Coastal Area Facility Review Act (CAFRA). This construction was not approved by NJDEP because of its *(potential impact on (describe) or location on (describe))*. To construct this project, *(the applicant or name)* has submitted a request for a relaxation of the standards in the regulations based on an extraordinary hardship under the Coastal Permit Program rules, N.J.A.C. 7:7-1.10. That rule provides that an extraordinary hardship exists if *(the applicant or name)* demonstrates that the strict application of any standards in the Coastal Zone Management rules (N.J.A.C. 7:7E) would prevent a property owner from realizing a minimum beneficial use of his or her property as a whole, in accordance with constitutional standards.

As part of the process demonstrating a hardship, NJDEP requires that *(the applicant or name)* offer this property for sale to nearby property owners, land conservancies, environmental organizations and governmental agencies with the understanding that if the property is purchased, it must remain in its natural state, and may not be developed. *(The applicant or name)* is required to leave this offer open for 180 days from the date of this letter. If you are interested in purchasing this property, or a portion of it, you must respond to me in writing at the above address within 180 days. Your response will be forwarded to the NJDEP Land Use Regulation Program. An appraisal of the property is included with this letter.

If you do not respond to this letter within 180 days, the NJDEP will presume that you are not interested in purchasing any of the subject property. *(The applicant's or name)* ability to sell this property, or a portion of it, is a factor that the NJDEP will consider in evaluating *(the applicant's or name)* request for a relaxation of standards in order to construct on the property. If *(the applicant or name)* is not able to avoid an extraordinary hardship by selling this property, or a portion of it, there is a greater likelihood that construction will take place on the property.

If you have any question regarding this matter, you may contact the NJDEP project manager assigned to this case, *(name)*, at 609-633-2289 or by mail at Land Use Regulation Program, NJDEP, P.O. Box 439, Trenton, NJ 08625.

Sincerely,

(Applicant's name)

c: Project manager

ATTACHMENT "C"

(10/00)

Offering Letter to Property Owners within 200 feet, Land Conservancies, Environmental Organizations and Governmental Agencies when the request to relax the standards of the Coastal Zone Management rules is submitted with an application or while an application is pending

RE: Permit Application # _____
Applicant: _____
address _____
Block: Lots: _____
Municipality, County _____

CERTIFIED

Dear Sir or Madam:

As you may be aware, on (date), (applicant) applied to the New Jersey Department of Environmental Protection (NJDEP), for construction of _____ at the above property, pursuant to the Coastal Area Facility Review Act (CAFRA). It is possible that this construction will not be approved by NJDEP because of its potential impact on _____ or other natural resources. To construct this project, the applicant has also submitted a request for a relaxation of the standards in the regulations based on an extraordinary hardship under the Coastal Permit Program rules, N.J.A.C. 7:7-1.10. That rule provides that an extraordinary hardship exists if the applicant demonstrates that the strict application of any standards in the Coastal Zone Management rules (N.J.A.C. 7:7E) would prevent a property owner from realizing a minimum beneficial use of his or her property as a whole, in accordance with constitutional standards.

As part of the process of demonstrating a hardship, NJDEP requires that the applicant offer this property for sale to nearby property owners, land conservancies, environmental organizations and governmental agencies with the understanding that if the property is purchased, it must remain in its natural state, and may not be developed. The applicant is required to leave this offer open for 180 days from the date of this letter. If you are interested in purchasing this property, or a portion of it, you must respond to me in writing at the above address within 180 days. Your response will be forwarded to the NJDEP Land Use Regulation Program. An appraisal of the property is included with this letter.

If you do not respond to this letter within 180 days, the NJDEP will presume that you are not interested in any purchase of the subject property. The applicant's ability to sell this property, or a portion of it, is a factor that the NJDEP will consider in evaluating the applicant's request for a relaxation of standards in order to construct on the property. If the applicant is not able to avoid an extraordinary hardship by selling this

property, or a portion of it, there is a greater likelihood that construction will take place on the property.

If you have any question regarding this matter, you may contact the NJDEP project manager assigned to this matter, _____, at 609-633-2289 or by mail at Land Use Regulation Program, NJDEP, P.O. Box 439, Trenton, NJ 08625.

Sincerely,

(Applicant)

c: Project manager